

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION - CINCINNATI

GREGORY C. COX JR., et al.,	:	Case No. 1:23-cv-324
	:	
Plaintiffs,	:	Judge Matthew W. McFarland
	:	
v.	:	
	:	
PROSECUTOR STEVEN NORD, et al.,	:	
	:	
Defendants.	:	
	:	

ENTRY AND ORDER ADOPTING REPORT AND RECOMMENDATION IN PART

The Court has reviewed the Order and Report and Recommendation of United States Magistrate Karen L. Litkovitz (Doc. 23) to whom this case is referred pursuant to 28 U.S.C. § 636(b). In the Order, Magistrate Judge Litkovitz recommended that this case be dismissed in its entirety because none of the three named Plaintiffs had returned a signed Complaint to the Court as ordered. (*See* Deficiency Order, Doc. 3; *see also* Order and Report and Recommendation, Doc. 10.) Plaintiff Cox filed Objections to the Report and Recommendation (Doc. 11), explaining that issues with mail to and from the Court were occurring at the institution where he resides. (*See, e.g.*, Doc. 11, Pg. ID 52-53, 74-75.)

Based on the Objections by Cox, Magistrate Judge Litkovitz withdrew the Report and Recommendation in part. (*See* Order Withdrawing Report and Recommendation in Part, Doc. 17.) Specifically, with respect to Plaintiff Cox only, Magistrate Judge Litkovitz withdrew the recommendation that the case be dismissed. (*Id.* at Pg. ID 188.) Magistrate

Judge Litkovitz additionally withdrew the recommendation that the Court deny as moot Cox's Application to Proceed In Forma Pauperis (Doc. 4), Cox's Motion for Bond (Doc. 6), and Cox's filings entitled "Extortion" (Docs. 7, 9). However, the Order Withdrawing the Report and Recommendation in Part "does not change the [Magistrate Judge's] previous recommendation that the other two putative Plaintiffs—Hold J. Jenkins, Jr. and David Bennett—be dismissed from this case for failure to prosecute." (Order Withdrawing Report and Recommendation in Part, Doc. 17, Pg. ID 188.)

Plaintiffs Jenkins and Bennett failed to timely object to the Report and Recommendation (Doc. 10) in accordance with Fed. R. Civ. P. 72(b). Thus, the Court hereby **ADOPTS** the Report and Recommendation (Doc. 10) **IN PART**. Accordingly, the Court **ORDERS** Plaintiff Holmer J. Jenkins and Plaintiff David Bennett are **DISMISSED** from this case for failure to prosecute. Additionally, because this matter is not being dismissed as to Plaintiff Cox, the Motion to Reopen the Case by Plaintiff Cox (Doc. 18) is **DENIED AS MOOT**.

IT IS SO ORDERED.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO

By: 
JUDGE MATTHEW W. McFARLAND